

Message Text

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11

ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07

L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

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FM USMISSION USBERLIN

TO AMEMBASSY BONN

SECSTATE WASHDC 967

INFO USMISSION GENEVA

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO

AMEMBASSY PARIS

C O N F I D E N T I A L USBERLIN 1008

GENEVA FOR JON GREENWALD, CSCE DEL

E.O. 11652: GDS

TAGS: PGOV, AU, UR, US, GW, WB

SUBJECT: SOVIET PROTEST ON EXTENSION OF FRG

TREATIES TO BERLIN

REF: USBERLIN 1007

FOLLOWING IS INFORMAL TRANSLATION OF SOVIET PROTEST ON
EXTENSION OF FRG TREATIES TO BERLIN (REFTEL).

BEGIN TEXT

1. ACCORDING TO AVAILABLE INFORMATION THE
LEGISLATIVE ORGANS OF THE FRG NOW HAVE UNDER CONSIDERA
TION TREATIES BETWEEN THE FRG AND THE AUSTRIAN REPUBLIC
OF JAN 31, 1972; REGARDING THE SUPPLEMENT TO THE EUROPEAN
AGREEMENT OF APRIL 20, 1959 ON LEGAL ASSISTANCE IN
CRIMINAL MATTERS AND THE FACILITATION OF ITS APPLICATION;
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REGARDING THE SUPPLEMENT TO THE EUROPEAN AGREEMENT OF

DEC 13, 1957 ABOUT THE EXTRADITION OF CRIMINALS AND THE FACILITATION OF ITS APPLICATION. THE EXTENSION OF THESE TREATIES TO THE WESTERN SECTORS OF BERLIN IS ANTICIPATED.

2. IN THIS CONNECTION, THE SOVIET SIDE CONSIDERS IT ESSENTIAL TO CALL ATTENTION TO THE FACT THAT THE TREATIES MENTIONED ABOVE DIRECTLY AFFECT QUESTIONS OF STATUS AND SECURITY. IN PARTICULAR, THEY REGULATE QUESTIONS OF COOPERATION BETWEEN POLICE AND JUDICIAL ORGANS IN THE MATTER OF ESTABLISHING JURISDICTION OVER CRIMES COMMITTED, LEGAL PROSECUTION, AND THE ARREST AND EXTRADITION OF CRIMINALS IN ACCORDANCE WITH THE LEGISLATION OF BOTH COUNTRIES. IN THIS WAY THE MATTER CONCERNS RIGHTS AND OBLIGATIONS WHICH THEMSELVES PRESENT THE ATTRIBUTES OF STATE SOVEREIGNTY AND WHICH CANNOT BE EXERCISED BY A STATE ON TERRITORY WHICH IS NOT UNDER ITS JURISDICTION.

3. IN CONSIDERATION IF THIS, THE INTENTION OF THE WEST GERMAN SIDE TO EXTEND THE SAID TREATIES TO THE WESTERN SECTORS OF BERLIN CANNOT BE VIEWED OTHERWISE THAN AS STILL ANOTHER ATTEMPT TO APPROPRIATE TO ITSELF RIGHTS AND COMPETENCIES IN QUESTIONS OF STATUS AND SECURITY WHICH, IN ACCORDANCE WITH THE QUADRIPARTITE AGREEMENT OF SEPT 3, 1971 IT DOES NOT HAVE AND CANNOT HAVE.

4. AS BECAME KNOWN, THE PARLIAMENTARY ORGANS OF THE FRG RECENTLY APPROVED THE TREATY OF AUG 23, 1973 BETWEEN THE FRG AND THE US REGARDING MUTUAL ASSISTANCE BETWEEN THEIR CUSTOMS SERVICES AND THE AGREEMENT OF JULY 11, 1974 BETWEEN THE FRG AND THE NORWEGIAN KINGDOM REGARDING MUTUAL ASSISTANCE IN CUSTOMS MATTERS. THE EXTENSION OF THESE TREATIES TO THE WESTERN SECTORS OF BERLIN IS ANTICIPATED.

5. ON DEC 2, 1974, THE SOVIET SIDE CALLED THE ATTENTION OF THE AUTHORITIES OF THE THREE POWERS TO THE ILLEGAL CHARACTER OF THE EXTENSION TO THE CONFIDENTIAL

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WESTERN SECTORS OF BERLIN OF THE TREATY OF APRIL 2, 1974 BETWEEN THE FRG AND THE SOCIALIST FEDERATION OF THE YUGOSLAV REPUBLIC REGARDING MUTUAL ASSISTANCE IN THE MATTER OF PREVENTING, CLARIFY, AND INVESTIGATING ACTIVITIES WHICH VIOLATE CUSTOMS REGULATIONS THE TREATIES OF THE FRG WITH THE US AND NORWAY ARE ANALOGOUS IN THEIR CONTENT TO THE TREATY BETWEEN THE FRG AND YUGOSLAVIA. THEREFORE, THE SOVIET SIDE WOULD

ONCE MORE LIKE TO CONFIRM ITS POINT OF VIEW THAT TREATIES
OF THIS SORT CONCLUDED BY THE FRG CANNOT BE
EXTENDED TO THE WESTERN SECTORS OF BERLIN.

6. AS IN THE PAST, THE FRG IS TRYING TO EXTEND
ITS INTERNATIONAL AGREEMENT TO "LAND BERLIN"
ALTHOUGH IT IS GENERALLY KNOWN THAT THE WESTERN
SECTORS OF BERLIN ARE NEITHER A ##TF48GRKAWGHF*?().

P!H

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